

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE M/V MSC FLAMINIA

CIVIL ACTION NO.: 12 Civ. 8892 (GBD) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On October 4, 2023 and October 9, 2023, Plaintiffs and Defendants, respectively, stated their competing positions on Plaintiffs' entitlement to, and the law applicable to determining the amount of, prejudgment interest (the "PJI Issues"). (ECF Nos. 1741 at 2–3; 1742 at 4).¹ During a telephone conference on October 10, 2023, the parties agreed that Plaintiffs would file a motion for a resolution of the PJI Issues (the "Motion"), and Defendants would file an opposition. (ECF No. 1749 at 22–23). Accordingly, the Court ordered that: (i) by November 3, 2023, MSC—and any other party that may choose to join—shall file the Motion; (ii) by December 1, 2023, Defendants shall file an opposition to the Motion; and (iii) by December 15, 2023, MSC and any other movants shall file their reply brief(s), if any. (ECF No. 1745 ¶ 2 (the "Oct. 10 Order")).

On November 3, 2023, Plaintiffs filed two motions (the "Motions"), each seeking a declaration that Plaintiffs are entitled to prejudgment interest and that New York law is applicable in calculating the amount of prejudgment interest to be awarded. (ECF Nos. 1757; 1761). On December 1, 2023, Defendants filed an opposition to the Motions (the "Opposition"), and a cross motion (the "Cross Motion") seeking a declaration that "any prejudgment interest to

¹ For purposes of this Order, "Plaintiffs" refers to Container Schiffahrts-GMBH & Co. KG MSC "FLAMINIA," NSB Niederelbe Schiffahrtsgesellschaft MBH & Co. KG, and MSC Mediterranean Shipping Company, S.A. ("MSC"), and "Defendants" refers to Stolt Tank Containers B.V., Stolt Nielsen USA, Inc., and Deltech Corporation.

be awarded to [Plaintiffs] is to be determined under maritime law and based on either the six-month or the twelvemonth United States Treasury Bill during the applicable period.” (ECF No. 1773; see ECF No. 1777). Defendants’ briefs and exhibits in opposition to the Motions and in support of the Cross Motion are identical. (Compare ECF Nos. 1773–74 with 1778–79). The only document unique to the Cross Motion is a statement of undisputed material facts pursuant to S.D.N.Y. Local Civil Rule 56.1. (ECF No. 1780 (the “56.1 Statement”)). On December 5, 2023, MSC filed a letter stating, inter alia, its intent to file by December 15, 2023 a reply pursuant to the Oct. 10 Order and a response to the 56.1 Statement. (ECF No. 1782).

Because the papers underlying Defendants’ Opposition and Cross Motion are effectively identical, the Court determines that a further reply in support of the Cross Motion—which was not contemplated by the Oct. 10 Order—is unnecessary. The Court will deem briefing of the PJI Issues complete upon Plaintiffs’ filing of their replies on December 15, 2023.

Dated: New York, New York
December 6, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge